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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,717

09/12/2003

Steven S. Homer

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06/02/2005

HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

EDWARDS, ANTHONY Q

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EF

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/661,717	HOMER ET AL.	
	Examiner	Art Unit	
	Anthony Q. Edwards	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. <u>20050530</u> .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 9 and 11-21 and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,436,792 to Leman et al. ("Leman" hereinafter). Referring to claim 8, Leman discloses a portable computer (see Figs. 1 and 9) comprising a base (10') having a central processing unit and memory (E), see Fig. 14, a display (L) having a screen, wherein the display is movable between a horizontal position with respect to the base and a vertical position with respect to the base (see Figs. 10 and 12), and an elongated mounting arm (12') mechanically and electrically coupling the display (L) to the base (10'), wherein the mounting arm (12') has a first portion (i.e., back side, see Fig. 13) that horizontally supports the display and a second portion (i.e., front side opposite back side, see Fig. 9) that vertically supports the display above a support surface (S).

Referring to claim 9, Leman discloses a portable computer, wherein the first portion (i.e., the back side shown in Fig 13) is curved and the second portion (i.e., the front side shown in Fig. 9) is straight. See Fig. 13, which also shows curved surfaces 90, 92, 12A' and 12B' on the first portion.

Referring to claim 11, Leman discloses a portable computer, wherein the base (10') further comprises a stop mechanism (112) to limit movement of the mounting arm (12') about

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the base while the display (L) is in the vertical position. See Figs. 14-16 and the corresponding specification.

Referring to claim 12, Leman discloses a portable computer, wherein the display (L) is adapted to function as a notepad while in the horizontal position and a view screen while in the vertical position. See Figs. 12 and 11, respectively, as well as the corresponding specification.

Referring to claim 13, Leman discloses a method comprising: providing a computer base (10') housing electronic components (E), see Fig. 14, providing a computer display (L) inherently housing electronic components (see Fig. 13), mechanically attaching the base (10') to the display (L) with a curved mounting arm (12'), and adjusting the display to a vertical position such that a center of gravity of the display is between a first pivot point at the base and a second pivot point at the display. See Fig. 10, wherein the first pivot point is located at 112 and the second pivot point is located where the carrier (16/46) touches surface (S).

Referring to claim 14, Leman discloses a method, further comprising forming an angle  $\theta$  with a front surface of the display (L) relative to a normal axis with the base (10'), the angle  $\theta$  being between 10 degrees and 40 degrees. See marked-up copy of Fig. 10, wherein  $\theta$  is approximately 37 degrees.

Referring to claims 15-17, Leman discloses a method, further comprising adjusting the display (L) to a horizontal position so the display rests on a support surface (S), and forming triangular contact locations with the display and support surface, and further comprising forming a first contact location in a first corner of the display (L), forming a second contact location in a second corner of the display, and forming a third contact location on the mounting arm (12'), and further comprising forming a first contact location in a first corner of the display (L), forming a

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second contact location in a second corner of the display, and forming a third contact location on the base (10'). See Fig. 12, wherein the triangular contact locations include the two lower edge or corner portions of the carrier (16/46) contacting the surface (S), as well as 12A' contacting 10' (see Figs. 12 and 13).

Referring to claim 18, Leman discloses a computing system, comprising a docking station (D') comprising a base (10') supportable on a surface (S) and housing electronic components (e), a carrier (16/46), and means for connecting (12') the base (10') to the carrier (16/46), a display (L) inherently housing electronic components and mechanically connected to the carrier (16/46) and electrically coupled to the base (10') through the means for connecting (12'), see Figs. 1 and 9, as well as col. 5, lines 3-30. Leman also discloses the display (L) being supportable off the support surface, (i.e., since the display rests in the carrier, it is "off the support surface") and above the base (10') such that a center of gravity of the display is between two different and parallel axes that pass through two different rotational locations and that are normal to a support surface (S) supporting the base (10'). See Fig. 10, wherein axis (1) is located at the point in which carrier (16/46) touches surface (S) and axis (2) is located at 112.

Referring to claim 19, Leman discloses a computing system, wherein the means for connecting (12') provides a curved mechanical connection (88A/88B) between the base (10') and the carrier (16/46). See Fig. 13.

Referring to claim 20, Leman discloses a computing system, wherein the means for connecting (12') also provides a straight mechanical connection (i.e., front face of 12') for supporting the display (L). See Fig. 9.

Referring to claim 21, Leman discloses a computing system, wherein the mounting arm has a curved portion (i.e., the back side shown in Fig 13) that supports the display in a horizontal position (see Fig. 12) and a straight portion (i.e., the front side shown in Fig. 9) that supports the display in a vertical position (see Figs. 6, 10 and 11).

Referring to claim 23 Leman discloses a computing system, further comprising adjusting the display to a horizontal position such that the display is supported on the support surface and the curved mounting arm but not the computer base. See Fig. 11, which shows a “horizontal” position, in which the device is supported as claimed.

Referring to claim 24, Leman discloses a computing system, further comprising adjusting the display to a horizontal position such that the display is supported on the support surface and the computer base but not the curved mounting arm. Since the display (L) is removable, the same can be “adjusted” to a horizontal position as claimed by placing the display at the rear side of base (10') shown in See Fig. 12.

Referring to claim 25, Leman discloses a computing system, wherein the display is positioned off a support surface (i.e., the display is in the carrier, not directly positioned on the surface) when the display is adjusted to the vertical position such that the center of gravity of the display is between the first pivot point at the base and the second pivot point at the display.

Referring to claim 26, Leman discloses a computing system, wherein a first rotational location (i.e., where carrier touched the surface) is at one end (i.e., the lower end) of the means for connecting (12') and a second rotational location (112) is at an opposite end of the means for connecting (see Figs. 10-12).

Referring to claim 27, Leman discloses a computing system wherein the means for connecting has a straight (i.e., front) portion that abuts the display in a vertical position (see Fig. 5) and a curved (i.e., rear) portion that abuts the display in a horizontal position (see Fig. 12).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leman in view of U.S. Patent Application Publication No. 2003/0021083 to Landry et al. ("Landry" hereinafter). Referring to claim 1, Leman discloses a computing system, comprising a docking station (D') having a base (10'), a carrier (14/46) separate from the base, and a nonlinear (i.e., back surface (12A'/12B')) rigid mounting arm (12') mechanically connecting the base (10') to the carrier (16/46), wherein the mounting arm (12') has a first end (see Fig. 13) that pivotally connects to the base (10'), an electronic display (L) removably connectable to the carrier, and a keyboard (50) in communication with the display (see Figs. 9 and 11, as well as the corresponding specification).

Leman lacks the nonlinear rigid mounting arm having both a first end that pivotally connects to the base and a second end that pivotally connects to the carrier. Landry teaches providing a nonlinear rigid mounting arm (204) mechanically connecting a base (194) to a

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display (80), wherein the arm (204) includes a first end (90) that pivotally connects to the base and a second end that pivotally connects to the display or a carrier for the same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the nonlinear rigid mounting arm of Leman, so that the arm includes a first end that pivotally connects to a base and a second end that pivotally connects to a display or a carrier for the same, as taught by Landry, since the device of Landry would provide a rigid mounting arm that facilitates maximum flexibility in orienting various components of the computing system of Leman.

Referring to claim 2, Leman in view of Landry disclose a computing system, wherein the first end (90) pivots about the base with a first rotational force, the second end (206) pivots about the carrier with a second rotational force. See Figs. 6 and 7 and page 4, paragraph 0034 of Landry. Although not specifically disclosed, Landry inherently teaches the first rotation force being greater than the second rotational force, since more resistance would be required about the first pivot (90) than the second pivot (206), so that a user can tilt the display (88) at the second pivot (i.e., the pivot inherently having a lesser rotation force) without having to keep the display from falling or lowering about the first pivot (i.e. the pivot inherently having a greater rotational force).

Referring to claim 3, Leman in view of Landry disclose a computing system as claimed, except for the mounting arm having an S-shape in side view. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the rigid mounting arm of Landry to that of an S-shape in side view, since it has been held that mere changes in shape, absent persuasive evidence that the particular configuration of the claimed invention is



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significant, involves only routine skill in the art. *In re Daily*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Referring to claims 4 and 5, Leman in view of Landry disclose a computing system, wherein the mounting arm (204) is a single integrally formed member and has an elongated configuration with a generally curved portion and a generally straight portion, respectively. See Figs. 6 and 7.

Referring to claim 6, Leman in view of Landry disclose a computing system, wherein the mounting arm (204) is inherently hollow and electrically couples the base to the display when the display is connected to the carrier.

Referring to claim 7, Leman in view of Landry disclose a computing system, wherein the display (L), while connected to the carrier (16/46), is movable between at least four different positions comprising a horizontal landscape position, a horizontal portrait position, an upright landscape position, and an upright portrait position. See Figs. 6-8 and page 5, paragraph 0040 of Landry, wherein multi-hinge structures (206, 90 and 216) for the arm (204) provide for such movement.

Referring to claim 10, Leman in view of Landry disclose a computing system, wherein the mounting arm (204) rotationally connects at a first end (90) to the base (10') and rotationally connects at a second end (206) to the display. See Figs. 6 and 7 of Landry.

#### ***Allowable Subject Matter***

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the specific limitation of the display abuts the support surface and the first portion when the display is horizontally supported is not taught or suggested by the prior art references, and it would not have been obvious provide the same.

### *Response to Arguments*

Applicant's arguments filed February 22, 2005 have been fully considered but they are not persuasive. Regarding claims 8, 9, 11-20, the Examiner does not agree with Applicant's contention that Leman "does not teach or suggest a mounting arm having a first portion that horizontally supports the display and a second portion that vertically supports the display above a support surface." Applicant is directed to the above rejection in this matter.

Regarding claim 13, Leman does in fact teach a "curved mounting arm," i.e., the rear portion of the mounting arm shown Fig. 13. As a matter of fact, the rear portion of the arm in Fig. 13 shows at least three "curved portions" (i.e., 90, 92 and 12A'/12B').

Furthermore, applicants contention that Leman does not teach or suggest a first and second pivot point as claimed is also discussed above in the above rejection. More, specifically, Figs. 5 and 7 clearly show first "pivot point" the first at (S), and Fig. 10 clearly shows a second pivot point at 112.

Regarding claim 18, the Examiner does not agree with Applicant's contention that Leman does not teach or suggest a the display being "supportable off the support surface and above the base." As shown in Figs. 10 and 11, the axis (1) is located at the point in which the *carrier*

(16/46) touches the surface (S), but not necessarily the display (L). Likewise, as indicated above, this point is in fact a rotational location.

In response to applicant's argument that there is no suggestion to combine the references, relating to claims 1-7 and 10, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is reasonable expectation of success in that the arm (204) of Landry would allow a user of the Lemman invention to orienting the display (L) away from the base (10) while also maximizing flexibility of the entire unit.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

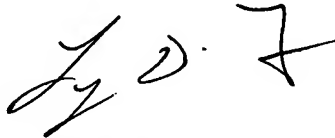
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**LYNN FEILD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**